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Report No. 07-INTEL-04  
February 9, 2007  
Review

# Inspector General

United States  
Department of Defense



## DEPUTY INSPECTOR GENERAL FOR INTELLIGENCE

### Review of the Pre-Iraqi War Activities of the Office of the Under Secretary of Defense for Policy

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#### Acronyms (U)

ASD(ISA)	Assistant Secretary of Defense, Office of International Security Affairs
CIA	Central Intelligence Agency
DCI	Director of Central Intelligence
DIA	Defense Intelligence Agency
DNI	Director of National Intelligence
IC	Intelligence Community
JITF-CT	Joint Intelligence Task Force - Combating Terrorism
OSD	Office of the Secretary of Defense
OSP	Office of Special Plans
OUSDP	Office of the Under Secretary of Defense for Policy
PCTEG	Policy Counter Terrorism Evaluation Group
SSCI	Senate Select Committee on Intelligence

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INSPECTOR GENERAL  
DEPARTMENT OF DEFENSE  
400 ARMY NAVY DRIVE  
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February 9, 2007

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR POLICY

SUBJECT: Report on Review of the Pre-Iraqi War Activities of the Office of the  
Under Secretary of Defense for Policy (Report No. 07-INTEL-04) (U)

(U) We are providing this report for information and use. We performed this review in response to a congressional request. We considered management comments on a draft of this report when preparing the final report. We deleted the draft recommendation from the report; therefore, no written response to this report is required.

(U) We appreciate the courtesies extended to the staff. Questions should be directed to [REDACTED] at (703) 604-[REDACTED] (DSN 664-8896) or [REDACTED] at (703) 604-8818 (DSN 664-[REDACTED]). See Appendix J for the report distribution. The evaluation team members are listed inside the back cover.

  
Thomas F. Gimble  
Acting

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Department of Defense Office of Inspector General

Report No. 07-INTEL-04  
(Project No. D2006-DINT01-0077.000)

February 9, 2007

**Review of Pre-Iraqi War Activities of the Office of the  
Under Secretary of Defense for Policy (U)**

**Executive Summary (U)**

(U) **Who should read this report and why.** Personnel within DoD who are responsible for monitoring and providing official oversight of DoD intelligence issues should read this report because it discusses the issue of whether or not the Office of the Under Secretary of Defense for Policy conducted unauthorized, unlawful or inappropriate "Intelligence Activities"<sup>1</sup> during the pre-war period leading up to war with Iraq.

(U) **Background.** On July 7, 2004, the Senate Select Committee on Intelligence released a classified report, "Report on the U.S. Intelligence Community's Pre-War Intelligence Assessments on Iraq" that was critical of the Intelligence Community assessments on Iraq, further concluding that the "Intelligence Community analysts lacked a consistent post-September 11th approach to analyzing and reporting on terrorism threats."

(U) On October 21, 2004, Senator Carl Levin released an unclassified report that the Senate Armed Services Committee Minority Staff prepared entitled, "Report of an Inquiry into the Alternative Analysis of the Issue of an Iraq-al Qaeda Relationship." This report substantively challenged some of the conclusions in the Senate Select Committee on Intelligence committee report and stated that the Office of the Under Secretary of Defense for Policy inappropriately produced an alternative analysis. The report stated that analysis provided by the Office of the Under Secretary of Defense for Policy exaggerated a connection between Iraq and al-Qaida while the Intelligence Community remained consistently dubious of such a connection.

(U) On September 9, 2005, Senator Pat Roberts, Chairman of the Senate Select Committee on Intelligence, requested that the Office of Inspector General, Department of Defense review whether the Office of Special Plans, "at any time, conducted unauthorized, unlawful or inappropriate intelligence activities." The term Office of Special Plans has become generic terminology for the activities of the Office of the Under Secretary of Defense for Policy, including the Policy Counter Terrorism

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<sup>1</sup> DoD Directive 5240.1 defines *Intelligence Activities* as "the collection, production, and dissemination of foreign intelligence and counterintelligence by DoD intelligence components authorized under reference (b)." Reference (b) is Executive Order 12333, United States Intelligence Activities," December 4, 1981.

## Evaluation

Group and Policy Support Office. The actual Office of Special Plans had no responsibility for and did not perform any of the activities examined in this review. (Appendix C).

(U) On September 22, 2005, Senator Carl Levin requested the Office of Inspector General, Department of Defense to review the activities of the Office of the Under Secretary of Defense for Policy, including the Policy Counter Terrorism Evaluation Group and Policy Support Office, to determine if any of the activities were either inappropriate or improper and if so, provide recommendations for remedial action. He also provided a list of 10 questions to consider during our review. (Appendix D; Appendix G is our response to the 10 questions).

**(U) Results.** The Office of the Under Secretary of Defense for Policy developed, produced, and then disseminated alternative intelligence assessments on the Iraq and al-Qaida relationship, which included some conclusions that were inconsistent with the consensus of the Intelligence Community, to senior decision-makers. While such actions were not illegal or unauthorized, the actions were, in our opinion, inappropriate given that the intelligence assessments were intelligence products and did not clearly show the variance with the consensus of the Intelligence Community. This condition occurred because of an expanded role and mission of the Office of the Under Secretary of Defense for Policy from policy formulation to alternative intelligence analysis and dissemination. As a result, the Office of the Under Secretary of Defense for Policy did not provide "the most accurate analysis of intelligence"<sup>2</sup> to senior decision-makers.

**(U) Management Comments.** The Under Secretary of Defense for Policy and Director, Defense Intelligence Agency provided comments on the draft report. The complete responses are included in the Management Comments section of the report. The Under Secretary of Defense for Policy did not concur with the report stating that their actions were not intelligence activities and, even if they were, would be appropriate given that they were responding to direction from the Deputy Secretary of Defense. Further, he states that their assessment on a "cooperative" Iraq-al Qaida relationship was consistent with the Director of Central Intelligence's own statements to Congress in 2002. The Director, Defense Intelligence Agency comments were administrative in nature and were completely integrated into the final report.

**(U) Evaluation Response.** The assessments produced evolved from policy to intelligence products, which were then disseminated. The Deputy Secretary of Defense direction made the action authorized; however, we believe the actions were inappropriate

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<sup>2</sup> Intelligence Community Directive Number 1 dated May 1, 2006, "Policy Directive for Intelligence Community Leadership" describes Intelligence Analysis "to ensure the most accurate analysis of intelligence is derived from all sources to support national security needs."

because a policy office was producing intelligence products and was not clearly conveying to senior decision-makers the variance with the consensus of the Intelligence Community. The statement of the Director of Central Intelligence included his assessment that "our understanding of the relationship between Iraq and al-Qaida is evolving and is based on sources of varying reliability." Further, analysis of the statement does not support the Under Secretary of Defense for Policy position of a "mature symbiotic relationship" in all areas. The circumstances prevalent in 2002 are no longer present today. We believe that the continuing collaboration between the Under Secretary of Defense for Intelligence and the Office of the Director of National Intelligence will significantly reduce the opportunity for the inappropriate conduct of intelligence activities outside of intelligence channels. As a result, we are not making any recommendations.

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## Background (U)

(U) On July 7, 2004, the Senate Select Committee on Intelligence (SSCI) released a classified report, "Report on the U.S. Intelligence Community's Pre-War Intelligence Assessments on Iraq" which was critical of the Intelligence Community's assessments on Iraq. The report further concluded that the "Intelligence Community analysts lacked a consistent post-September 11th approach to analyzing and reporting on terrorism threats."

(U) On October 21, 2004, Senator Carl Levin released an unclassified report that the minority staff of the Senate Armed Services Committee prepared, "Report of an Inquiry into the Alternative Analysis of the Issue of an Iraq-al Qaeda Relationship." The report challenged some of the conclusions in the SSCI report, stating that the Office of the Under Secretary of Defense for Policy [OUSD(P)] inappropriately produced an alternative analysis, and described that analysis of the relationship between Iraq and al-Qaida as one of "operational cooperation." The report stated that the OUSD(P) exaggerated Iraq's relationship with al-Qaida primarily to support the Administration's policy aims to find a strong connection between Iraq and al-Qaida. Further, the Intelligence Community consistently doubted such a connection.

(U) On September 9, 2005, Senator Pat Roberts, Chairman of the Senate Select Committee on Intelligence, requested that the Office of Inspector General, Department of Defense review whether the Office of Special Plans (OSP), "at any time, conducted unauthorized, unlawful or inappropriate intelligence activities." (See Appendix C.) The term OSP has become generic terminology for the activities of the OUSD(P), including the Policy Counter Terrorism Evaluation Group (PCTEG) and Policy Support Office. The actual OSP had no responsibility for and did not perform any of the activities examined in this review.

(U) On September 22, 2005, Senator Carl Levin requested that the Office of Inspector General, Department of Defense review the activities of the OUSD(P), including the PCTEG and Policy Support Office to determine whether any of their activities were either inappropriate or improper, and, if so, provide recommendations for remedial action. He also provided 10 questions for us to consider during the review. (See Appendix D; Appendix G is the evaluators' response to the 10 questions.)

(U) **Under Secretary of Defense for Policy.** The USD(P) is the principal staff assistant and advisor to the Secretary of Defense and the Deputy Secretary of Defense for all matters on the formulation of national security and defense policy and the integration and oversight of DoD policy and plans to achieve national security objectives as defined by DoD Directive 5111.1, December 8, 1999.

~~(S)~~ **Assistant Secretary of Defense, Office of International Security Affairs [ASD (ISA)].** The Office of International Security Affairs formulates and coordinates international security strategy and policy for OUSD(P) on issues of DoD interest that relate to foreign regions and nations, their governments, and the defense establishments. ASD(ISA) was instrumental early in 2002 in responding to the inquiries of the Deputy Secretary of Defense regarding links between Iraq and al-Qaida.

~~(S)~~ **Policy Support Office.** The Policy Support Office assisted the OUSD(P) in developing national security and defense policy by providing infrastructure support, personnel, and information technology and security until June 2002, when it transferred to the newly created Office of the Under Secretary of Defense for Intelligence. The Policy Support Office requested detailees from the Defense Intelligence Agency (DIA) because of "the voluminous amounts of intelligence the office was receiving but was unable to assess." From January 2002 through November 2003 DIA detailed an intelligence specialist to the Policy Support Office within the OUSD(P).

~~(S)~~ **The Policy Counter Terrorism Evaluation Group.** According to an Action Memo dated November 26, 2001, for the Deputy Secretary of Defense from the ASD (ISA), the purpose was to "Obtain approval of creation of a Team B, called the Policy Counter Terror Evaluation Group (PCTEG). Through independent analysis and evaluation, the PCTEG would determine what is known about al-Qaida's worldwide terror network, its suppliers, and relationship to states and other international terrorist organizations..."

~~(S)~~ As envisioned the PCTEG would function under the joint chairmanship of the Principal Deputy Assistant Secretary of Defense for Special Operations/Low Intensity Conflict and the Deputy Assistant Secretary of Defense for Near East and South Asia Affairs. The ASD(ISA), with permission from the USD(P), tasked the PCTEG with studying al-Qaida's worldwide organization, including its suppliers, its relations with States and with other terrorist organizations (and their suppliers), identifying "chokepoints" of cooperation, coordination, and vulnerabilities, and recommending strategies to render the terrorist networks ineffective. The PCTEG, however, never included more than two analysts so the Chairmanship issue never attained a level of operational formality. In letters to Senator Warner and Representative Harman on June 21, 2003, Mr. Feith, then USD(P), described the purpose of the PCTEG as to "help me develop proposals for Defense Department strategies for the war on terrorism, which is a policy exercise, not an intelligence activity."

~~(S//NF)~~ Following a USD(P) request to the Director, DIA for support from the Intelligence Community, DIA detailed two junior Naval Reservist Intelligence Analysts to OUSD(P) in February 2002 to replace the two existing OUSD(P)

members. The PCTEG produced a briefing in support of policy development in June 2002, "Understanding the Strategic Threat of Terror Networks and their Sponsors."

~~(S//NF)~~ During the summer of 2002, following the deactivation of one of the two Naval Reservists, the one remaining detailed intelligence analyst reviewed intelligence data to determine whether there were links between Iraq and al-Qaida. At the direction of the Deputy Secretary of Defense, the Special Assistant to the Deputy Secretary of Defense, a member of the OUSD(P) Policy Support Office, and the remaining PCTEG detailee collaborated to create a briefing, marked "Draft," "Assessing the Relationship Between Iraq and al-Qaida," which they briefed to the Secretary of Defense on August 8, 2002. On August 15, 2002, they provided a similar briefing, marked "Draft," with the same title to Mr. George Tenet, then Director of Central Intelligence (DCI) and VADM Lowell "Jake" Jacoby, then Director, DIA. On September 16, 2002, the OUSD(P) provided a similar version of the briefing, marked "Draft," to Mr. Stephen Hadley, then Deputy National Security Advisor, as requested, and Mr. I. Lewis Libby, then Chief of Staff of the Office of the Vice President. The PCTEG as an organization ceased to exist shortly thereafter.

**(U) The Office of Special Plans.** The OUSD(P) created the OSP in October 2002 by renaming and expanding the OUSD(P) Near East and South Asia office's Northern Gulf Directorate to concentrate on policies for Iran, Iraq, and the Global War on Terror. In his June 21, 2003, letters to Senator Warner and Representative Harman, Mr. Feith described the OSP as a policy planning group and a consumer, rather than a producer of intelligence. In a February 3, 2004, letter to Senator Levin, Mr. Feith described the purpose of the OSP as having been, "...created to serve as the regional office for Northern (Persian) Gulf affairs and as the lead office within the Policy organization of the Office of the Secretary of Defense (OSD) for developing U.S. strategy and policy for the global war on terrorism." The OSP was renamed as the Office of Northern Gulf Affairs, remaining in Near East/South Asia as before, and its personnel continued to perform their policy functions for that region.

## **Objectives (U)**

(U) The review objective was to determine whether personnel assigned to the OSP, the PCTEG, and the OUSD(P) conducted unauthorized, unlawful, or inappropriate intelligence activities from September 2001 through June 2003. If so, the OIG was to provide recommendations for remedial action. See Appendix A for a discussion of the scope and methodology and related report coverage.



## Office of the Under Secretary of Defense for Policy's Use of Intelligence (U)

(U) Those charged with protecting America must have the best possible intelligence information, and that information must be closely integrated to form the clearest possible picture of the threats to our country.

President George W. Bush  
December 17, 2004

(U) The Office of the Under Secretary of Defense for Policy [OUSD(P)] developed, produced, and then disseminated alternative intelligence assessments on the Iraq and al-Qaida relationship, which included some conclusions that were inconsistent with the consensus of the Intelligence Community, to senior decision-makers. While such actions were not illegal or unauthorized, the actions were, in our opinion, inappropriate given that the products did not clearly show the variance with the consensus of the Intelligence Community and were, in some cases, shown as intelligence products. This condition occurred because the OUSD(P) expanded its role and mission from formulating Defense Policy to analyzing and disseminating alternative intelligence. As a result, the OUSD(P) did not provide "the most accurate analysis of intelligence" to senior decision makers.

### Guidance (U)

(U) **DoD Directive 5111.1.** DoD Directive 5111.1, "Under Secretary of Defense for Policy [USD(P)]," December 8, 1999, designates the USD(P) as the principal staff assistant and advisor to the Secretary and Deputy Secretary of Defense for all matters on formulating national security and defense policy. The Directive also states that the USD(P) will perform such other functions as the Secretary of Defense may prescribe.

(U) **DoD Directive 5240.1.** DoD Directive 5240.1, "DoD Intelligence Activities," April 25, 1988, is the guidance that DoD intelligence components use to collect, retain, or disseminate information. DoD Directive 5240.1 defines "Intelligence Activities" as "the collection, production, and dissemination of foreign intelligence and counterintelligence by DoD intelligence components authorized under reference (b)." Reference (b) is Executive Order 12333, "United States Intelligence Activities," December 4, 1981. The OUSD(P) is not a designated Intelligence Activity.

(U) **DoD Directive 5105.21.** DoD Directive 5105.21, "Defense Intelligence Agency," February 18, 1997, details the DIA mission to "satisfy, or ensure the satisfaction of, the military and military-related intelligence requirements of the Secretary and Deputy Secretary of Defense..." The Director, DIA is "the principal advisor on substantive intelligence matters to the Secretary and Deputy Secretary of Defense..." The Executive Order 12333 lists the DIA as a designated Intelligence Activity.

(U) **DIA Policy No: 005.** On June 5, 2001, the DIA Directorate for Analysis and Production issued DI policy No. 005, "Alternative Judgments Policy," which states that the principal goal of intelligence analysis is to provide customers with the most expert, focused, and multi-disciplinary judgments possible. The policy memo recognizes the value of ideas and concepts that run counter to the prevailing wisdom, by establishing a process within the Intelligence Community for using alternative judgments.

## **OUSD(P)'s Production and Dissemination of Alternative Intelligence Assessments (U)**

~~(S)~~ The OUSD(P) inappropriately developed, produced, and disseminated to senior decision makers alternative intelligence assessments on the Iraq and al-Qaida relationship, which included some conclusions that were inconsistent with the consensus of the Intelligence Community. In its advisory role to the Secretary and Deputy Secretary of Defense, the OUSD(P) requested DIA detailees to perform activities such as assisting in formulating national security and defense policy. In formulating policy, it is appropriate to obtain from and challenge the Intelligence Community to provide support for its Intelligence Findings. As stated in the SSCI Report,<sup>3</sup> "The Committee found that this process—the policymakers' probing questions—actually improved the products." However, the intelligence analyst detailees assisted in or produced alternative intelligence assessments that included some conclusions that were inconsistent with those that the chartered-Intelligence Community vetted and produced.

~~(S//NF)~~ **OUSD(P) Used All Available Intelligence.** The USD(P) requested and received detailees from DIA who had access to intelligence databases. The DIA detailees were assigned to the Policy Support Office

<sup>3</sup> (U) SSCI (Report), "Report on the U.S. Intelligence Community's Pre-War Intelligence Assessments on Iraq," July 7, 2004.

and PCTEG in 2002. In addition, other DIA Defense Intelligence Officers were assigned to support OUSD(P). The detailees and the DIA Defense Intelligence Officers had access to intelligence databases such as the DIA Joint Worldwide Intelligence Communications System. Interviews revealed that DIA detailees and DIA Defense Intelligence Officers pulled both raw intelligence and finished intelligence production from Joint Worldwide Intelligence Communications System and provided it to OUSD(P) personnel. The DIA Defense Intelligence Officers also provided daily intelligence read packets until their dissolution in the spring of 2003.

~~(S//NF)~~ **The OUSD(P) Produced Alternative Intelligence**

**Assessments.** Interviews confirmed that DIA detailees conducted independent intelligence analysis for the OUSD(P) that resulted in analytic conclusions and products. While working for the OUSD(P) staff, the detailees performed intelligence analysis and, in several cases, intelligence production, which was not one of OUSD(P)'s specified functions in DoD Directive 5111.1, "Under Secretary of Defense for Policy."

~~(S//NF)~~ OUSD(P) personnel and the DIA detailees used the same intelligence information as the Intelligence Community to produce their alternative intelligence assessments. In a July 25, 2002 memo, "Iraq and al-Qaida: Making the Case," one OUSD(P) detailee explained the basis for their alternative intelligence assessment, stating, "the following information clearly makes the case for an *Intelligence Finding* (emphasis added)—that Iraq has been complicit in supporting al-Qaida terrorist activities." Further, in translating that alternative intelligence assessment into a briefing, "Assessing the Relationship Between Iraq and al-Qaida," the OUSD(P) performed Intelligence Activity and, more specifically, Intelligence Production.

~~(S//NF)~~ Some of the conclusions in the briefing, "Assessing the Relationship between Iraq and al-Qaida," produced by a collaborative team composed of two OUSD(P) detailees and a former OUSD(P) member who was working in the capacity of Special Assistant to the Deputy Secretary of Defense, were not supported by the Intelligence Community. In fact, the briefing assessed that, "Intelligence indicates cooperation [with al-Qaida] in all categories; mature, symbiotic relationship," and as having a higher degree of cooperation than those conclusions supported by the Intelligence Community. The briefing detailed a relationship between Iraq and al-Qaida in three versions of their briefing, "Assessing the Relationship between Iraq and al-Qaida." Each version included a slide, "What Would Each Side Want From a

Relationship?" According to the briefing, one of Iraq's objectives was a desire for an "Operational surrogate to continue war;" the slide listed al-Qaida as that surrogate. Further, OUSD(P) members briefed an alleged meeting between the 9/11 hijacker Mohammed Atta and al-Ani, an Iraqi Intelligence Service Officer on a slide, "Known Contacts" in all three versions of this brief. The Intelligence Community disagreed with the briefing's assessment that the alleged meeting constituted a "known contact."

~~(S//NF)~~ **Intelligence Community's Intelligence Judgments.** The assessment of the relationship between Iraq and al-Qaida, detailed in both the briefing, "Assessing the Relationship between Iraq and al-Qaida," and the July 25, 2002 memorandum were inconsistent with the Intelligence Community's assessment. The Central Intelligence Agency (CIA) and DIA had published intelligence products with a decidedly different assessment. By the summer of 2002, before OUSD(P) members disseminated the briefing containing an alternative intelligence assessment about the Iraq and al-Qaida relationship, both the DIA and CIA published reports that disavowed any "mature, symbiotic" cooperation between Iraq and al-Qaida. The Intelligence Community was united in its assessment that the intelligence on the alleged meeting between Mohammed Atta and al-Ani was at least contradictory, but by no means a "known contact." The SSCI Phase I Report noted that, "Although the CIA has not ruled out the meeting, its analysis characterized the meeting as highly unlikely."

~~(S//NF)~~ **CIA's Intelligence Judgment.** On June 21, 2002, the CIA published a report, "Iraq and al-Qaida: Interpreting a Murky Relationship," which described the reporting on the alleged meeting of Atta with al-Ani as, "...contradictory, and we have not verified Atta's travel through other channels." The report also stated the CIA view on the Iraq-al-Qaida cooperation as, "Overall, the reporting provides *no conclusive signs of cooperation* (emphasis added) on specific terrorist operations, so discussion of the possible extent of cooperation between Iraq and al-Qaida is necessarily speculative."

~~(S//NF)~~ Likewise, a draft August 20, 2002, CIA Report, "Iraqi Support for Terrorism"<sup>4</sup> characterized the connection between Iraq and al-Qaida as follows:

~~(S//NF)~~ Saddam and Bin Ladin are not natural partners, but have maintained cautious contacts and some shared training. The two

<sup>4</sup> The final version of this report was published September 19, 2002.

groups nevertheless remained suspicious of each other's motives, and to date we cannot document any joint operational activity between them.

~~(S//NF)~~ **DIA's Intelligence Judgment.** On July 31, 2002, DIA published a Special Assessment, "Iraq's Inconclusive Ties to Al-Qaida," which described the alleged meeting of Atta with al-Ani as having "significant information gaps that render the issue impossible to prove or disprove with available information." The assessment further stated that "compelling evidence demonstrating *direct cooperation* (emphasis added) between the government of Iraq and al-Qaida *has not been established* (emphasis added), despite a large body of anecdotal information."

~~(S//NF)~~ The Intelligence Community's assessment of the Iraq connection with al-Qaida was decidedly less "mature" and by no means "symbiotic" in all categories as the OUSD(P) alleged in its alternative assessment detailed in both the July 25, 2002, memorandum and the briefing, "Assessing the Relationship between Iraq and al-Qaida." In no case did the Intelligence Community's assessment support the assertion that "Intelligence indicates cooperation in all categories; mature, symbiotic relationship." The terms that the Intelligence Community used to describe the relationship between Iraq and al-Qaida were "no conclusive signs," and "direct cooperation... has not been established." Equally, the Intelligence Community disputed the assertion found in the briefing, "Assessing the Relationship between Iraq and al-Qaida," that the alleged meeting of Atta with al-Ani was "known." The Intelligence Community described the meeting as "impossible to prove or disprove" and "contradictory".

~~(S//NF)~~ **Joint Intelligence Task Force – Combating Terrorism (JITF-CT) Judgment.** A DIA Senior Intelligence Analyst working in the Joint Intelligence Task Force – Combating Terrorism (JITF-CT) countered, point-by-point, each instance of an alleged tie between Iraq and al-Qaida mentioned in the July 25, 2002, OUSD(P) memorandum, "Iraq and al-Qaida: Making the Case." The Intelligence Analyst disagreed with most of the OUSD(P) intelligence assessments. Of the 26 points used to support the "Intelligence Finding—that Iraq has been complicit in supporting al-Qaida terrorist activities," the JITF-CT agreed or partially agreed with 11 of the 26. Two OUSD(P) slides, presented as part of a larger briefing to the Secretary of Defense, the DCI, and the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President, each titled "Known Contacts," were extracted from the OUSD(P) paper. On August 9, 2002, in a Memorandum, "JITF-CT Commentary: Iraq and al-Qaida, Making the Case" the JITF-CT



Intelligence Analyst noted that the OUSD(P) memorandum was of "no intelligence value;" in other words, the memorandum's assessments contradicted the Intelligence Community assessments on both the Iraq relationship with al-Qaida and, specifically, the veracity of the alleged meeting in Prague. He provided his assessment to the Joint Staff J2 for internal consumption. On August 14, 2002, in response to another internal J2 request, the JITF-CT Intelligence Analyst wrote a more detailed Memorandum, "DUSD(PS) Assessment on Iraq-al-Qaida Ties JITF-CT Response," specifically stating that far from being a "known contact," the "alleged 8 or 9 April 2001 meeting between Iraqi Intelligence Service officer Ibrahim al-Ani and al-Qaida operative Muhammad Atta is impossible to establish with available information."

(U) Without Intelligence Community consensus, OUSD(P) officials briefed the alternative intelligence assessment to senior decision makers within the DoD and the Federal Government. The July 25, 2002, memorandum was written in preparation for the August 2002 briefing to the Secretary of Defense. On August 8, 2002, OUSD(P) members presented their briefing, "Assessing the Relationship Between Iraq and al-Qaida" to the Secretary of Defense. The briefing portrayed a "mature, symbiotic" relationship between Iraq and al-Qaida. The Secretary of Defense directed that OUSD(P) brief the DCI. The OUSD(P) eventually presented three different versions of this briefing to the Secretary of Defense, the DCI, and the Deputy National Security Advisor and the Chief of Staff of the Office of the Vice President.

### **External Dissemination of OUSD(P) Alternative Intelligence Assessment (U)**

~~(S//NF)~~ In response to the Secretary of Defense direction, on August 15, 2002, with the USD(P) in attendance, his staffers presented the briefing, "Assessing the Relationship Between Iraq and al-Qaida," to the DCI, then Mr. George Tenet. Mr. Tenet invited VADM Jacoby, then Director, DIA to attend the briefing. Despite the continued marking as "Draft," the briefing external to DoD, in our opinion, constituted dissemination. This version of the briefing presented to the DCI omitted the slide, "Fundamental Problems with How Intelligence Community is Assessing Information" because, according to Mr. Feith, "it had a critical tone." The content of the excluded slide accuses the Intelligence Community of applying a standard requiring juridical evidence for reports, underestimating the importance for both Iraq and al-Qaida to keep their relationship hidden, and assuming that the two would not cooperate

because of religious differences. Additionally, the details regarding the alleged meeting between Mohammed Atta and al-Ani were discussed only on the slide, "Known Contacts," which portrayed the meeting as fact. The Intelligence Community previously disagreed with the assertions in this briefing on the veracity of the alleged meeting between Mohammad Atta and al-Ani and the level of cooperation that the OUSD(P) members ascribed to Iraq and al-Qaida in widely available Intelligence products produced in the spring and summer of 2002.

~~(S//NF)~~ After the USD(P) and his staff departed, the DCI told the Director, DIA to "get this back into analytical channels and out of Policy channels." When we asked the former Director, DIA why he did not take action, he replied that it had fallen off his scope.

~~(S//NF)~~ Mr. Tenet also directed the Intelligence Community to meet with OUSD(P) to discuss the contents of the briefing in relation to a pending CIA Report, "Iraqi Support for Terrorism." As a result, on August 20, 2002, the Intelligence Community held a roundtable discussion on the draft CIA Report, "Iraqi Support for Terrorism" in which members of the OUSD(P) participated fully. The Intelligence Community incorporated some of the OUSD(P) staffers' concerns, mostly about Iraq and al-Qaida ties. The CIA was willing to add footnotes to its report stating that the conclusions represented by the OUSD(P) staffers differed from the CIA paper's findings. The OUSD(P) staffers correctly declined, however, stating that they were acting in a policy capacity and were unable to speak for Defense Intelligence. This indicates that the OUSD(P) staffers knew the limits of their position as detailees to OUSD(P).

~~(S//NF)~~ According to the Under Secretary of Defense for Policy comments to the draft report, following a reference to the briefing at a Deputies Committee meeting in August 2002, the Deputy National Security Advisor requested to receive the briefing.<sup>5</sup> On September 16, 2002, members of OUSD(P) and the Special Assistant to the Deputy Secretary of Defense presented the briefing, "Assessing the Relationship Between Iraq and al-Qaida" to Mr. Stephen Hadley, then Deputy National Security Advisor, as requested, and Mr. I. Lewis Libby, then Chief of Staff of the Office of the Vice President. This version of the briefing included the slide "Fundamental Problems with How Intelligence Community is Assessing Information," which had been presented to the Secretary of Defense but omitted from the DCI briefing. The slide accuses the Intelligence Community of applying a standard requiring

<sup>5</sup> During our review we neither found nor when asked, was the OUSD(P) able to provide any documentation to support this chain of events.

juridical evidence for reports, underestimating the importance for both Iraq and al-Qaida to keep their relationship hidden, and assuming that the two would not cooperate because of religious differences. This presentation also included a slide that had not appeared in previous versions of the briefing, "Facilitation: Atta Meeting in Prague," which discussed the alleged meeting between Mohammad Atta and al-Ani in April 2001 in Prague without caveats regarding Intelligence Community consensus.

~~(S//NF)~~ The Intelligence Community's assessment had not changed. The draft August 20, 2002, CIA Report, "Iraqi Support for Terrorism," discussed the relationship between Iraq and al-Qaida as "much less clearcut ... appears to more closely resemble that of two organizations trying to feel out or exploit each other." As far as knowledge or implication in 9/11 goes, the report offers, "no conclusive indication of Iraqi complicity or foreknowledge in the 11 September attacks." Further, the report cites "no conclusive reporting that al-Qa'ida and Iraq collaborated on terrorist operations," and called the reporting on the alleged meeting between Atta and al-Ani as "inconclusive."

(U) The OUSD(P) did not provide "the most accurate analysis of intelligence" to senior decision makers. As this report states, the OUSD(P) produced and disseminated alternative intelligence assessments that included some conclusions that were not supported by the consensus of the Intelligence Community. The Intelligence Community discounted conclusions about the high degree of cooperation between Iraq and al-Qaida; yet the decision makers were given information describing the relationship as "known contacts" or as factual conclusions.<sup>6</sup>

## **Expanded Role and Mission of the Office of the Under Secretary of Defense for Policy (U)**

(U) The OUSD(P) developed and produced alternative intelligence assessments as a result of its expanded roles and mission which evolved in 2001 and 2002 from formulating Defense Policy to critiquing Intelligence Products to conducting Intelligence Activities.

<sup>6</sup> Noteworthy is that post-war debriefs of Sadaam Hussein, Tariq Aziz, al-Tikriti, and al-Libi as well as document exploitation by DIA all confirmed that the Intelligence Community was correct: Iraq and al-Qaida did not cooperate in all categories. The terms the Intelligence Community used to describe the relationship between Iraq and al-Qaida were validated, "no conclusive signs," and "direct cooperation... has not been established."

~~(S//NF)~~ Even before assigning the DIA detailees to the PCTEG and Policy Support Office, the OUSD(P) was obtaining large volumes of intelligence information. In November 2001, the OUSD(P) requested detailees from DIA because of "the voluminous amounts of intelligence the office was receiving, but was unable to assess." The additional personnel provided the OUSD(P) with access to Intelligence databases. Such access and use of DIA detailees is appropriate for Defense policy formulation. The June 2002 PCTEG briefing, "Understanding the Strategic Threat of Terror Networks and their Sponsors," is an example of an appropriate application of intelligence information. On July 9, 2002, at the direction of the Deputy ASD(ISA), in the only case of intelligence critique, the Policy Support Office provided an analysis of a CIA Report, "Iraq and al-Qaida: Interpreting A Murky Relationship" to the USD(P) suggesting that the "CIA's interpretation ought to be ignored." However, policy development and intelligence critique evolved into Intelligence Analysis and eventually culminated in the Intelligence Activity of Intelligence Production. The detailees created alternate intelligence assessments and briefed the Secretary of Defense and then disseminated the assessment to the DCI, the Deputy National Security Advisor, and the Chief of Staff of the Office of the Vice President.

~~(S//NF)~~ The mission and role of the OUSD(P) expanded, based, in part, in response to inquiries from the Deputy Secretary of Defense. For example, instead of directing a January 22, 2002, memorandum to the Assistant Secretary of Defense for Command, Control, Communication and Intelligence or the Director, DIA, the Deputy Secretary of Defense directed a memorandum to the USD(P), requesting "input on the progress in pulling together intelligence links between Iraq and al-Qaida" (Appendix E). It appears that the analysis was an on-going effort.

~~(S//NF)~~ The ASD(ISA) responded to the Deputy Secretary of Defense on January 24, 2002 (Appendix F). Part of the response stated, "So far we have discovered few direct links. However, we have uncovered evidence suggesting more robust indirect links." The cited direct links included the information that Muhammad Atta met twice in Prague with Iraqi Intelligence Service Prague station chief, al-Ani.

~~(S//NF)~~ The ASD(ISA) did not discuss whether the Intelligence Community agreed or disagreed with any of the direct or indirect links identified in the January 24, 2002, product but in a handwritten note, the USD(P) requested, "DSD [Deputy Secretary of Defense], should we organize a briefing for you to review the underlying intel?"



~~(S)~~ Further, in July 2002, based on a conversation one DIA detailee had with the Special Assistant to the Deputy Secretary of Defense, in what she understood to be a response to a request from the Deputy Secretary of Defense to prepare an "intel briefing" on Iraq and links to al-Qaida, in August 2002, two OUSD(P) members and the Special Assistant to the Deputy Secretary of Defense collaborated on creating a briefing with intelligence assessments that were inconsistent with those of the Intelligence Community.

(U) The OUSD(P), in responding to requests from the Deputy Secretary of Defense or Secretary of Defense, may find it necessary to base its work on material that the Intelligence Community produces. It is also appropriate for OUSD(P) to disagree with the Intelligence Community. The OUSD(P) may advance policy assessments reflecting an alternate assessment; however, the OUSD(P) should clearly reflect any disagreement or variance with the Intelligence Community's assessments and not provide its own intelligence products. The alternative intelligence assessments and the intelligence finding show that the OUSD(P) was producing intelligence products and that the products did not clearly show the areas where OUSD(P) disagreed with the Intelligence Community. As a result, we consider those actions inappropriate.

(U) We recognize that the OUSD(P) performed some of the actions in response to inquiries regarding intelligence briefings from the Deputy Secretary of Defense and at the direction of the Secretary of Defense. One of the specified functions in DoD Directive 5111.1 requires OUSD(P) to "perform such other functions, as the Secretary of Defense may prescribe." As a result, we consider the actions of the OUSD(P) were not illegal or unauthorized.

## **Inadequate Procedures (U)**

(U) The OUSD(P) developed, produced, and disseminated alternative intelligence assessments which included some conclusions that were inconsistent with the Intelligence Community's vetted intelligence products because procedures for preparing alternative assessments were insufficient to ensure that the OUSD(P) products clearly reflected any disagreements or variance with the Intelligence Community. Although not required, the OUSD(P) could have used the DIA detailees to follow the existing DIA procedures to request an Alternative Judgment on the relationship between Iraq and al-Qaida from the Defense Intelligence community. Two DIA personnel detailed to OUSD(P) should have been aware of existing procedures and could have used them.



(U) DIA DI Policy No. 005 explains the methods that Defense Intelligence uses to address alternative judgments in those rare instances where consensus cannot be reached.

(U) The first and preferred method for incorporating an alternative analysis is through the standard process of coordination. Analysts are expected to marshal their facts, build coherent arguments, and defend those arguments while coordinating with other experts across the Intelligence Community. In the vast majority of cases, analytic judgments either stand or fall on the merits of their evidentiary base, intrinsic logic and quality. In those rare instances where analysts build a strong case, but cannot achieve consensus support for their analysis, an alternative judgment is justified.

~~(S//NF)~~ While the DIA DI Policy does not apply to OUSD(P) personnel, we believe that the DIA detailee who prepared the July 25, 2002, memorandum, "Iraq and al-Qaida: Making the Case," could have used the standard coordination process to obtain consensus from the Intelligence Community or followed the procedures for developing an Alternative Judgment. Instead, the DIA detailee provided the July 25, 2002, memorandum as an appeal to publish the alternative intelligence assessment as an "Intelligence Finding." In spite of never gaining Intelligence Community agreement to publish the alternative intelligence assessments as an Intelligence Finding, the OUSD(P) disseminated the briefing, "Assessing the Relationship Between Iraq and al-Qaida" in August 2002 produced from the July 25, 2002, memorandum.

## **Subsequent Action (U)**

(U) In 2003, Congress and the Administration acted to strengthen and consolidate the administration of the Defense Department's intelligence capabilities by creating the statutory position of the Under Secretary of Defense for Intelligence that incorporated the intelligence component of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

(U) The "Intelligence Reform and Terrorism Prevention Act of 2004" established both the position of the Director of National Intelligence (DNI) and the National Counterterrorism Center. The DNI is now the principal advisor to the President of the United States and the National Security Council for intelligence matters related to national security. The law also established the DNI position as the sole leader of the United States Intelligence Community responsible for planning, policy,

management, integration, and oversight. The National Counterterrorism Center acts as the principal advisor to the DNI on intelligence operations and analysis relating to counterterrorism.

(U) The National Intelligence Council responds to the DNI and continues to "serve as a unique bridge between the intelligence and policy communities, a source of deep substantive expertise on intelligence matters, and as a facilitator of Intelligence Community collaboration." The National Intelligence Council is the only organization that provides policy makers with a coordinated assessment of the Intelligence Community's views on critical issues.

(U) Within the Office of the DNI, the Assistant Deputy Director for Analytic Integrity and Standards assists all Intelligence Community agencies to foster regular production of independent, alternative, and competitive analyses. Specifically, the Analytic Ombudsman works on a confidential basis with analysts who wish to raise concerns regarding whether intelligence products are timely, objective, independent of political considerations, based on all sources of available intelligence, account for dissenting views, distort intelligence analysis, or employ proper analytic tradecraft. The Analytic Ombudsman is a fact finder, mediator, and facilitator to promote conflict resolution, and helps resolve problems and disputes through formal counseling, conciliation, and enhanced communication, as well as making recommendations to the individuals involved.

(U) DoD Directive 5143.01, "Under Secretary of Defense for Intelligence (USD(I)), November 23, 2005, established the Under Secretary of Defense for Intelligence as the Principal Staff Advisor to the Secretary and Deputy Secretary of Defense regarding intelligence, counterintelligence, security, sensitive activities, and other intelligence-related matters. It further stated that the Under Secretary shall serve as the Secretary of Defense's primary representative to the Office of the Director of National Intelligence as well as provide policy and oversight on the training and career development of personnel in DoD counterterrorism, intelligence, and security components.

## **Conclusion (U)**

(U) The Office of the Under Secretary of Defense for Policy developed, produced, and then disseminated alternative intelligence assessments on the Iraq and al-Qaida relationship, which included some conclusions that were inconsistent with the consensus of the Intelligence Community, to

senior decision-makers. While such actions were not illegal or unauthorized, the actions were, in our opinion, inappropriate given that the intelligence assessments were intelligence products and did not clearly show the variance with the consensus of the Intelligence Community. This condition occurred because of an expanded role and mission of the OUSD(P) from policy formulation to alternative intelligence analysis and dissemination. As a result, OUSD(P) did not provide "the most accurate analysis of intelligence" to senior Defense decision makers.

(U) The circumstances prevalent in 2002 are no longer present today. The dissolution of the OUSD(P) Policy Support Office, the PCTEG, and the OSP; the creation of the Under Secretary of Defense for Intelligence; and the aggressive efforts of the Director of National Intelligence's National Intelligence Council and Analytic Integrity and Standards have all contributed to a more favorable operational environment. We believe that the continuing collaboration between the Under Secretary of Defense for Intelligence and the Office of the Director of National Intelligence will significantly reduce the opportunity for the inappropriate conduct of intelligence activities outside of intelligence channels. As a result, we are not making any recommendations.

## Management Comments and Response

(U) **Management Comments.** The Under Secretary of Defense for Policy and Director, Defense Intelligence Agency provided comments on the draft report. The complete responses are included in the Management Comments section of the report. The Under Secretary of Defense for Policy did not concur with the report stating that their actions were not intelligence activities and, even if they were, would be appropriate given that they were responding to direction from the Deputy Secretary of Defense. Further, he states that their assessment on a "cooperative" Iraq-al Qaida relationship was consistent with the DCI's own statements to Congress in 2002. The Director, Defense Intelligence Agency comments were administrative in nature and were completely integrated into the final report.

(U) **Evaluation Response.** The assessments produced evolved from policy to intelligence products, which were then disseminated. The Deputy Secretary of Defense direction made the action authorized; however, we believe the actions were inappropriate because a policy office was producing intelligence products and was not clearly conveying to senior decision-makers the variance with the consensus of the Intelligence Community. The statement of the DCI included his

assessment that “our understanding of the relationship between Iraq and al-Qaida is evolving and is based on sources of varying reliability.” Further, analysis of the statement does not support the OUSD(P) position of a “mature symbiotic relationship” in all areas.

## Appendix A. Scope and Methodology (U)

(U) The primary scope of the project was to determine whether the OUSD(P) offices and activities of the former OSP and PCTEG organizations, "...at any time, conducted unauthorized, unlawful or inappropriate intelligence activities." We met with personnel assigned to the OSP, the PCTEG, and the OUSD(P) from September 2001 through June 2003. We performed this review from November 2005 through November 2006 in accordance with the "Quality Standards for Federal Offices of Inspector General."

(U) To achieve our objective, we:

- Interviewed 75 current or former personnel associated with the following organizations:
  - White House Staff (National Security Council);
  - Office of the Director of National Intelligence;
  - Office of the Secretary of Defense;
  - Office of the Under Secretary of Defense for Policy;
  - Office of the Under Secretary of Defense for Intelligence; and
  - Office of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence
- Department of the Army;
- Department of the Navy;
- Department of the Air Force;
- U.S. Central Command;
- Central Intelligence Agency;
- Federal Bureau of Investigation;
- Defense Intelligence Agency;
- U.S. Department of State;
- National Defense University;
- Civilian contractors



- Reviewed unclassified and classified documentation produced and available from September 2001 through June 2003 including DoD Directives, testimony, guidance, procedures, reports, studies, briefings, message traffic, e-mails, first-hand accounts, memoranda, and other official data on prewar intelligence and the specific areas of inquiry posed by Congress.
- Assessed information from the SSCI and documents from OUSD(P).

(U) **Use of Computer-Processed Data.** We did not use computer-processed data to perform this evaluation.

(U) **Use of Technical Assistance.** The High Tech Crimes Unit, Defense Criminal Investigative Service, assisted us in imaging computer hard-drives to acquire copies of pertinent documents from a Government-owned, classified computer.

(U) **Government Accountability Office High-Risk Area.** While this evaluation does not specifically address a Government Accountability Office high-risk area, it does address a Secretary of Defense Priority – Significantly improve Intelligence Capabilities.